

### REMARKS/ARGUMENTS

Claims 1-17 are pending in the application. The specification and drawings are objected to; claim 5 stands rejected as failing to comply with the enablement requirement; claims 1-17 stand rejected as being indefinite; claims 1-4 and 16 stand rejected as anticipated by Delmege (U.S. 4,679,950); claims 1-3 stand rejected as anticipated by Hiers (U.S. 2,928,696); and the Examiner considers that claims 5-15 and 17 would be allowable if rewritten to overcome the indefiniteness rejection and to include all of the limitations of the base claim and any intervening claims.

#### *Specification Amendment*

The foregoing specification amendment adds section headings and deletes paragraphs [0010] and [0016].

#### *Drawing Amendment*

The foregoing drawing amendment designates Fig. 17 by the legend "Prior Art".

#### *Claim Amendments*

The amendment of independent claim 1 proposes a panel adjustment device for a drawer having a front panel attached to the drawer, the drawer being mountable in a drawer opening of a cabinet by means of a rail system with at least one drawer rail supporting the drawer and at least one cabinet rail mountable in the drawer opening for supporting the drawer rail in the drawer opening, which panel adjustment device is operable for changing an enclosed inclination angle defined between a front side of the drawer opening of the cabinet and the front panel of the drawer. The amendment of independent claim 1 proposes further that the panel adjustment device comprises a lifting and lowering device located between the drawer and the drawer rail, the lifting and lowering device having a lifting and lowering element and a swiveling axis, the swiveling axis being disposed between the front panel of the drawer and the lifting and lowering element, and the swiveling axis being spaced from the front panel of the drawer by a distance that is no greater than a distance between the swiveling axis and the lifting and lowering element; and the lifting and lowering element being operable to urge the drawer

with the front panel attached to the drawer to swivel relative to the drawer rail about the swiveling axis, resulting in a corresponding change in the enclosed inclination angle defined between the front panel of the drawer and the front side of the drawer opening of the cabinet.

The foregoing amendment of claim 5 clarifies that “the slider extends through an opening in one of the drawer and the décor component and into the rear area of the drawer”.

The foregoing amendment of independent claim 16 proposes a panel adjustment device for a drawer having a front panel attached to the drawer, the drawer being mountable in a drawer opening of a cabined and supported on both sides of the drawer for movement of the drawer within the drawer opening of the cabinet by means of a rail system with at least one drawer rail supporting the drawer and at least one cabinet rail mountable in the drawer opening for supporting the drawer rail in the drawer opening, which panel adjustment device is operable for changing an enclosed inclination angle defined between a front side of the drawer opening of the cabinet and the front panel of the drawer. The foregoing amendment of independent claim 16 further proposes that the panel adjustment device comprises a lifting and lowering device located between the drawer and the drawer rail to swivel the drawer relative to the drawer rail about a swiveling axis, the lifting and lowering device further comprising a slider and a lifting and lowering element, said lifting and lowering element being operable to urge the drawer with the front panel attached to the drawer to swivel relative to the drawer rail around the swiveling axis; and wherein the slider is formed out of a flat material, which extends from a front area of the drawer rail to a back area of the drawer rail and is held movable in the front area of the drawer rail up to a center area of the drawer rail on a horizontal shank of a side wall lower component of the drawer, and wherein the slider has a rear area that is supported on the drawer rail with an end of the slider formed as a wedge-shape sliding piece.

The foregoing amendment of claim 17 clarifies that “the end of the slider is bent to form the wedge-shape sliding piece”.

Claims 3, 6 and 9 are amended to address editorial issues.

Support for the foregoing amendment is found throughout the specification and in the claims. Accordingly, no new matter has been added.

### ***Specification Objections***

The foregoing specification amendment as suggested by the examiner overcomes and renders the objection moot.

### ***Drawing Objections***

The foregoing amendment of claim 6 deleting “bearing surface” and amendment of Fig. 17 adding the legend “Prior Art” as suggested by the examiner overcomes and renders the objection moot.

### ***Claim Rejections - 35 U.S.C. § 112***

The foregoing amendment of claim 5 overcomes and renders the enablement rejection moot by changing “the slider penetrates said one of the drawer and its décor component and extends into the rear area of the drawer” to “the slider extends through an opening in one of the drawer and the décor component and into the rear area of the drawer”.

The foregoing amendment of claim 1 overcomes and renders the indefiniteness rejection moot by changing “Panel adjustment device for a drawer equipped with a front panel and located in a cabinet” to “Panel adjustment device for a drawer having a front panel attached to the drawer, the drawer being mountable in a drawer opening of a cabinet” and by further changing “which panel adjustment device is suitable for changing an enclosed inclination angle between a vertical level of a front fore side of the cabinet and a vertical level of the front panel of the drawer” to “which panel adjustment device is

operable for changing an enclosed inclination angle defined between a front side of the drawer opening of the cabinet and the front panel of the drawer”.

The foregoing amendment of claims 16 overcomes and renders the indefiniteness rejection moot by changing “supported on both sides for movement of the drawer into a cabinet” to “the drawer being mountable in a drawer opening of a cabinet and supported on both sides of the drawer for movement of the drawer within the drawer opening of the cabinet” and further changing “which panel adjustment device is suitable for changing an enclosed inclination angle between a vertical level of a front fore side of the cabinet and a vertical level of the front panel of the drawer” to “which panel adjustment device is operable for changing an enclosed inclination angle defined between a front side of the drawer opening of the cabinet and the front panel of the drawer.”

The foregoing amendment of claims 17 overcomes and renders the indefiniteness rejection moot by changing “the slider is bent in a longitudinal extension of the slider” to “the end of the slider is bent.”

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-4 and 16 stand rejected as unpatentable over Delmege under 35 U.S.C. § 102(b), and claims 1-3 stand rejected as unpatentable over Hiers under 35 U.S.C. § 102(b). The rejection is respectfully traversed and reconsideration is requested.

Regarding the rejection of independent claims 1 and 16 over Delmege, Delmege discloses a drawer guide locking mechanism in which a drawer rail 10 is movably supported on ball bearings disposed between the drawer rail and a cabinet rail 14. The ball bearings are confined in cages 43, 44 (likewise disposed between the drawer rail and a cabinet rail) fastened to the drawer rail 10 on opposite sides of protrusions 31, 32 of the drawer rail and are normally urged towards one another and consequently against opposite sides of protrusions 31, 32, which prevents the ball bearings from turning, thereby immobilizing drawer rail 11 relative to cabinet rail 14. A cam 39 (also disposed between the drawer rail and a cabinet rail) fastened to the drawer rail 10 between the ball

bearing cages is operable by a slide 29 also fastened to the drawer rail to push the ball bearing cages 43, 44 apart, freeing up the ball bearings from contact with opposite sides of the protrusions 31, 32 and allowing the drawer rail to move relative to the cabinet rail 14 on the bearings. See, e.g., Delmege, Col 2, line 8-Col 3, line 17 and Figs. 1-4

Instead of a panel adjustment device, as recited in claims 1 and 16, Delmege discloses a drawer locking mechanism. Further, instead of a lifting and lowering device of the panel adjustment device located between the drawer and the drawer rail, as recited in claims 1 and 16, Delmege discloses a locking mechanism located between the drawer rail and the cabinet rail that includes a cam 39 between the ball bearing cages that is operable by the slide 29 to push the ball bearing cages 43, 44 apart to free up the ball bearings and allow the drawer rail to move relative to the cabinet rail. Contrary to the examiner's rendition of Fig. 2 of Delmege, the slide 29 does not swivel at all but simply slides to and fro along its slotted holes 34. The only swiveling done in Delmege is the cam 39 that is operated by the slide to push the ball bearing cages apart. Moreover, the cam element 39 of Delmege characterized by the examiner as a lifting and lowering device simply pivots or swivels on its own pivot or swivel axis (i.e. screw 41) to push the ball bearing cages apart. The cam element 39 of Delmege characterized by the examiner as a lifting and lowering device is patently incapable of being operable to urge the drawer with the front panel attached to the drawer to swivel relative to the drawer rail about the swiveling axis, as recited in amended independent claims 1 and 16. On the contrary, cam 39 of Delmege can do nothing more than swivel on its own axis to push the ball bearing cages apart.

Regarding the rejection of independent claim 1 over Hiers, Hiers discloses a drawer rail 23 with the axle 31 of a drawer rail roller 30 mounted to the drawer rail 23 through a slotted hole 32 and clamped securely in place at a desired position within the slotted hole 32 by locking nut 36 on one side and fastening nut 37 on the other side of slotted hole 32. The fastening nut 37 can be loosened to unclamp and reposition the drawer rail roller 30 up or down within the slotted hole 32 by turning a cam disc 33,

which in turns lowers or raises the rear end of the drawer rail 23 relative to the cabinet rail 12 on which the drawer rail roller 30 is supported, and retightening fastening nut 37 to re-clamp drawer rail roller 30 in place on the drawer rail roller 30. See, e.g., Hiers, Col 2, line 29-Col 3, line 40 and Figs.1-5.

While Hiers does disclose a drawer tilt mechanism, instead of a lifting and lowering element that is operable to urge the drawer with the front panel attached to the drawer to swivel relative to the drawer rail about the swiveling axis, as recited in claims 1 and 16, the drawer tilt mechanism of Hiers consists simply of a slotted hole 32 in the drawer rail 24 that allows the drawer rail roller 30 to be moved up or down to raise or lower the back end of the drawer rail 23 along with the back end of the drawer fastened to the drawer rail, which results in swiveling of both the drawer rail and the drawer relative to the cabinet rail 12 about the swivel axis (i.e., cabinet rail roller 22). Likewise, the drawer tilt mechanism of Hiers is patently incapable of being operable to urge the drawer with the front panel attached to the drawer to swivel relative to the drawer rail about the swiveling axis, as recited in amended independent claims 1.

Consequently, neither Delmege nor Hiers recite the required combination of limitations proposing a panel adjustment device for a drawer having a front panel attached to the drawer that is operable for changing an enclosed inclination angle defined between a front side of the drawer opening of the cabinet and the front panel of the drawer which comprises a lifting and lowering device located between the drawer and the drawer rail, the lifting and lowering device having a lifting and lowering element and a swiveling axis, the swiveling axis being disposed between the front panel of the drawer and the lifting and lowering element, and the swiveling axis being spaced from the front panel of the drawer by a distance that is no greater than a distance between the swiveling axis and the lifting and lowering element; and the lifting and lowering element being operable to urge the drawer with the front panel attached to the drawer to swivel relative to the drawer rail about the swiveling axis, resulting in a corresponding change in the

enclosed inclination angle defined between the front panel of the drawer and the front side of the drawer opening of the cabinet, as recited in amended independent claim 1.

Nor does Delmege recite the required combination of limitations proposing a panel adjustment device for a drawer having a front panel attached to the drawer that is operable for changing an enclosed inclination angle defined between a front side of the drawer opening of the cabinet and the front panel of the drawer which comprises a lifting and lowering device located between the drawer and the drawer rail to swivel the drawer relative to the drawer rail about a swiveling axis, the lifting and lowering device further comprising a slider and a lifting and lowering element, said lifting and lowering element being operable to urge the drawer with the front panel attached to the drawer to swivel relative to the drawer rail around the swiveling axis; and wherein the slider is formed out of a flat material, which extends from a front area of the drawer rail to a back area of the drawer rail and is held movable in the front area of the drawer rail up to a center area of the drawer rail on a horizontal shank of a side wall lower component of the drawer, and wherein the slider has a rear area that is supported on the drawer rail with an end of the slider formed as a wedge-shape sliding piece, as recited in amended independent claim 16.

Because each and every element as set forth in amended independent claims 1 or 16 is not found, either expressly or inherently in Delmege, and because each and every element as set forth in amended independent claim 1 is not found, either expressly or inherently in Hiers, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1 and/or 16 and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-15 that depend on claim 1 and claim 17 that depends on claim 16 and which recite further specific elements that have no reasonable correspondence with the references.

***Allowable Subject Matter***

The Examiner's statement that claims 4-15 and 17 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph and to include all the limitations of the base claim and any intervening claims is noted and appreciated. However, the foregoing amendment is believed to overcome the rejection under Section 112, and it is also believed that the foregoing remarks clearly distinguishes over the references applied by the Examiner.

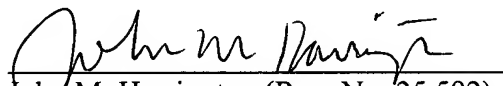


### Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

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**Amendments to the Drawings**

The attached sheet of drawings includes changes to Fig. 17. This sheet includes Figs. 17 and 18 and replaces the original sheet including Figs. 17 and 18. In Fig. 17, the legend – Prior Art—is added as required by the Examiner.